

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MOHAMMED SABBAGHI

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary,
Department of Homeland Security, and
JULIA HARRISON, Seattle Field Office
Director, U.S. Citizenship and
Immigration Services

Defendants.

NO. C08-01641

**PLAINTIFF'S OPPOSITION TO U.S.'S
MOTION TO EXTEND TIME TO ANSWER,
PLEAD, OR OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

Noted for Consideration on January 9, 2009

COME NOW the Plaintiff, Mohammed Sabbaghi, by and through his counsel, Bart Klein, and opposes Defendants' motion pursuant to Fed.R.Civ.P. 16(b)(4), to extend the deadline to answer, plead, or otherwise respond to Plaintiff's complaint.

The United States Citizenship and Immigration Services has been required to file the administrative record since April 18, 2006, sixty days after the filing of the first naturalization case in this matter (Sabbaghi v. Gonzalez et. al., C06-024 6RSL) and since April 2, 2008, sixty days after filing the second naturalization case in this matter (Sabbaghi v. Mukasey et.al., C06-0168 RSL). This action is the third naturalization filing. No administrative record yet. In fact, of the 240 naturalization and immigration cases filed by this counsel in this Court since November 2005, the USCIS has yet to file the administrative case by the 60th day. Judge Jones of this Court is so tired of this counsel filing motions for summary judgement in such cases without citation to the administrative record (since none

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TO EXTEND TIME TO ANSWER...
Case No. C08-01641-TSZ
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1 had been filed by the 60th day), that on his own motion, has ordered to the Defendants to file the
2 administrative record by a date certain, and then a 2 week opportunity for this counsel to object to any
3 filing. Dkt. 10, especially footnote 1, *Woldemichael v. Mukasey*, C007-1099RAJ dated 11/06/2008.

4 Defendants' counsel has the administrative record from the previous actions and with the
5 naturalization denial filed with this third action, is fully capable in filing an answer and pleading. It is
6 about time that the USCIS follows the rule of law and APA practice. In the last six District Court
7 actions, USCIS in Seattle has required the appearance of plaintiffs for 5 hour interviews with 2-7 days'
8 notice, the latest case begin interviewed on January 7, 2009. Such USCIS in Seattle is capable of
9 producing the record in one day. This motion should be denied.

10 DATED This 5th day of January, 2009.

11 s/BART KLEIN Attorney for Petitioner
12 BART KLEIN, WSBA # 10909
13 Law Offices of Bart Klein
14 605 First Avenue, Suite 500
15 Seattle, WA 98104
16 Telephone: 206/624-3787
17 Facsimile: 206/624-6371
18 mail to: bklein@bartklein.com; bart_bartklein@yahoo.com

16 CERTIFICATE OF SERVICE

17 I, Bart Klein, hereby certify that on June 4, 2008, I electronically filed the foregoing
18 Plaintiff's Opposition to Federal Defendants' Motion to Extend Time to Answer... with the Clerk of the
19 Court using the CM/ECF system which will send notification of such filing to the following CM/ECF
20 participant:

21 STACEY I. YOUNG e-mail stacey.young@usdoj.gov

22 I further certify that on the same date I caused to be mailed by United States Postal Service a copy
23 of the foregoing Plaintiff's Opposition to Federal Defendants' Motion to the following non-CM/ECF
24 participant: 0

25 Dated this 5th day of January, 2009.

26 s/ BART KLEIN
27 Attorney for Plaintiff
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